

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 40 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

DARJI GIRDHARLAL MOHANLAL

Versus

SHADHU ISVARDAS SHAMDAS

Appearance:

MR SURESH M SHAH for Petitioner
MR AG VYAS for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/02/2000

ORAL JUDGEMENT

1. This is a revision u/s 29[2] of the Bombay Rent Act at the instance of the original defendants - tenants.
2. The respondent - plaintiff had filed a suit before the Rent Court against the petitioners - tenants

for a decree of eviction wherein the tenants had raised a dispute as to standard rent. The trial Court dismissed the suit for eviction and fixed the standard rent at Rs.23/- per month. Being aggrieved by the aforesaid decision, the respondent - landlord preferred an appeal. The lower appellate Court dismissed the appeal so far as the challenge to the dismissal of the suit was concerned, and re-fixed the standard rent in respect of the suit premises at Rs.50/- per month.

3. Thus, the only question in the present revision at the instance of the tenant is the contention that the lower appellate Court has erred in fixing the standard rent of the suit premises at Rs.50/- per month, and that in this context, the determination of the trial Court fixing the standard rent at Rs.23/- per month ought to have been sustained.

4. I have heard the learned counsel for the respective parties and I find that the determination of the standard rent by the lower appellate Court is based entirely on the evidentiary material on record. Such appreciation of evidence cannot be in any manner be said to be perverse.

Ultimately, learned counsel for the petitioner was unable to sustain his challenge to the said findings based on evidence, and was unable to satisfy this Court that factual findings requires to be set aside. Learned counsel for the petitioner further submitted that no detailed reasons for sustaining the findings of the lower appellate Court are required to be discussed herein. I therefore do not give the detailed reasons in respect thereof.

5. Consequently, I find that there is no substance in the present revision and the same therefore requires to be dismissed. Accordingly, rule is discharged with no orders as to costs.

parmar*